

Federal Management Deviation from State Management of Subsistence Fisheries

- 1. Adoption of Liberalized Customary Trade Regulations**
- 2. Establishment of New Subsistence Fisheries**
- 3. Closure of Fishing to Other Users, Above State Objections**
- 4. Expansion of Species, Areas, Bag Limits for Federal Users in State-Managed Fisheries**
- 5. Adoption of Liberalized Statewide Regulations for Subsistence Fishing**

1. Adoption of Liberalized Customary Trade Regulations

Federal: The federal subsistence program, on extending its authority over federal waters in 1999, adopted a customary trade regulation that established that the limited sale of fish and eggs “is permitted as long as it does not constitute a significant commercial enterprise.” As yet, this allowance has not been defined any more specifically.

Federal officials have characterized their current regulation as unenforceable. The proposed revision to the current regulation would allow rural residents to sell their entire subsistence catch to other rural residents and would allow sales between rural residents and others (including commercial entities other than fisheries businesses) so long as such trade “does not constitute a significant commercial enterprise.”

State: While the State of Alaska recognizes customary trade as a legitimate subsistence use, such sales of subsistence-caught resources are limited to those permitted by state regulation. Currently, sale of herring roe on kelp in Southeast Alaska is the only customary trade permitted under state regulations.

2. Establishment of New Subsistence Fisheries

Federal: The Federal Subsistence Board has established subsistence fisheries in areas and/or for species not recognized by the state as having subsistence uses, including:

a) salmon and trout on federal (fresh) waters in Cook Inlet, including most of the Kenai River, Russian River, and Swanson River, and upper portions of the Kasilof River

b) coho salmon on federal waters throughout Southeast Alaska

c) cutthroat and rainbow trout on federal waters, with some exceptions, throughout Southeast Alaska; rainbow trout where residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Quihagak, and Platinum fish for rainbow trout.

d) steelhead trout on federal waters throughout Southeast Alaska

e) sockeye salmon in Salmon Bay Lake, Virginia Lake and Thoms Creek in Southeast

State: Under state management:

a) the only subsistence uses of salmon in Cook Inlet were at Tyonek, Port Graham, Nanwalek, Skwentna, and Seldovia Bay; the only subsistence fishery for Dolly varden in Cook Inlet was at Port Graham and Nanwalek.

b) coho was a subsistence species only at Angoon in Southeast

c) cutthroat and rainbow trout couldn't be taken for subsistence in Southeast

d) steelhead could be taken for subsistence only on Prince of Wales Island and at Yakutat

e) sockeye could be taken under personal use, not subsistence regulations, at Salmon Bay Lake, Virginia Lake and Thoms Creek

3. Closure of Fisheries on Federal Public Waters to Non-subsistence Users, over Objections by the State of Alaska

a) Sockeye fishing at Falls Lake, Pillar Bay and Gut Bay drainages in Southeast closed in 2000 to all but rural, federally-qualified subsistence users

b) Chum and king salmon fishing closed in 2001 to all but federal subsistence users on federal sections of the Kuskokwim and Yukon Rivers

c) Sockeye fishing closed in 2001 to all but federal subsistence users on federal sections of Redoubt Lake drainage near Sitka

4. Expansion of Species, Areas, Bag Limits for Federal Users in State-Managed Fisheries, effectively creating new federal regulations, (a few examples)

Federal:

- a) Regulations allows subsistence bag limit of up to 6 trout at six lakes in Southeast
- b) Regulations allow use of fish wheels in the Chitina Subdistrict of the Copper River

State:

- a) Regulations allow sportfish bag limits of up to 2 trout at the 6 lakes in Southeast
- b) Regulations prohibit use of fishwheels in the Chitina Subdistrict

5. Adoption of Liberalized Statewide Regulations for Subsistence Fishing

Federal:

- a) Statewide provisions allow the taking of “fish” for subsistence uses, at any time by any method, unless restricted by regulation*
- b) Rod and reel is legal gear for subsistence fishing statewide

State:

- a) Statewide provisions allow the taking of “finfish other than salmon, rainbow trout and steelhead trout” for subsistence purposes by any method unless restricted by regulation
- b) Rod and reel is legal gear for subsistence fishing only in a few areas

* Under this allowance, and the federal, statewide allowance for use of rod and reel, federal users can subsistence fish for salmon or trout on any federal waters where not specifically prohibited, and take, at a minimum, that state’s sportfish limit for a species for that area as subsistence. This contrasts with the state system, under which subsistence harvest of trout and salmon are allowed only in designated areas.

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